



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



SDMS DocID 2004771

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 25 2003

CRI Resources, Inc.
William M. Fenning, CEO
900 Wilshire Blvd., Suite 1520
Los Angeles, CA 90017-4716

**Re: Follow-up 104(e) Request - Cleveland Wrecking/CRI Resources Inc
Lower Darby Creek Area Superfund Site
Delaware and Philadelphia Counties, Pennsylvania**

Dear Mr. Fenning:

The U.S. Environmental Protection Agency ("EPA") has received the response of CRI Resources, Inc ("CRI") to its August 9, 2002 Information Request. Based on that response and information obtained by EPA as part of its continuing investigation, EPA is seeking additional information concerning the waste disposal activities of Cleveland Wrecking in Philadelphia between 1958 and 1976.

EPA has reviewed your previous information request response dated August 26, 2002 and has determined that additional information and clarification is needed in order to complete its investigation. EPA hereby requests that CRI respond completely and timely to the information requested in Enclosure F to this letter.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), CRI is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.



Domestic Mail Receipt
(Domestic Mail Only; No Insurance Coverage Provided)

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[Redacted Address Box]

Postage	\$	Postmark Here
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Sent To CKT KESWICK

**Street, Apt. No.;
or PO Box No.** ATTN: WILLIAM M. FLENNING

City, State, ZIP+ 4 L.A. CALIF 90019-4726

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an authorized official of CRI. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

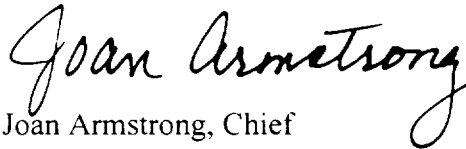
All documents and information should be sent to:

Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any question concerning this matter, please contact Carlyn Winter Prisk at (215) 814-2625 or you may have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,

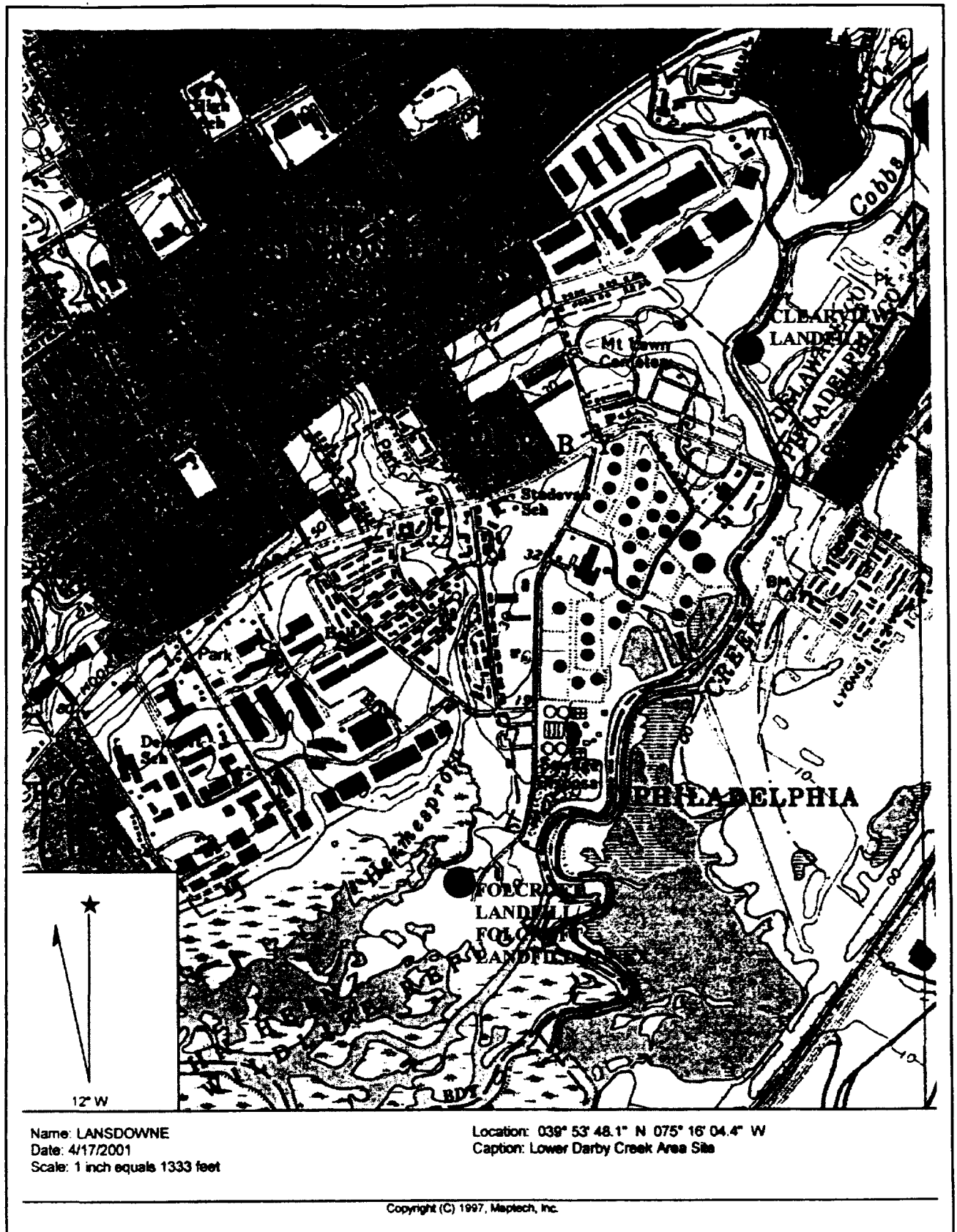


Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: List of Contractors that May Review Your Response
 Enclosure C: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Information Requested

cc: Brian Nishitani , Esq. (3RC44)
 Carlyn Prisk (3HS11)
 April Flipse (PADEP)
 Craig Olewiler (PADEP)

Enclosure A



List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
Tri State Enterprise Incorporated
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- IT Corporation - Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
Subcontractor:
Enviro Consultants Group
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. -
Contract #68-W-00-108
- WRS Infrastructure & Environment,
Inc. - Contract # 68-S3-03-02
- Kemron Environmental Services
Contract # 68-S3-03-05
- Industrial Marine Services, Inc.
Contract # 68-S3-03-03
- Guardian Environmental Services, Inc.
68-S3-03-04
- List of Inter-Agency Agreements
General Services Administration
CERCLA File Room
Contractor: Booz-Allen & Hamilton
- General Services Administration
Spectron Superfund Site
Contractor: Booz-Allen & Hamilton
- General Services Administration
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
National Association of Hispanic
Elderly - #CQ-822511
- AARP Foundation (Senior
Environmental Employment) -
#824021
#823952

Enclosure C

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (see Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.

Enclosure D

Definitions

- The term “arrangement” shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term “documents” shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term “hazardous substance” means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term “pollutant or contaminant” shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release

into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure C, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

Information Requested

1. Provide the name, title, areas of responsibility, address, and telephone number of each and every current and former employee who, between 1958 and 1976:
 - a. May have disposed of materials at Clearview, Folcroft, Folcroft Annex, or other areas of the Site;
 - b. May have arranged for the disposal, transportation, or treatment of materials at Clearview, Folcroft, Folcroft Annex or other areas of the Site; and/or,
 - c. May have been responsible for payments, payment approvals, and record keeping concerning such waste removal transactions;
 - d. Whether any of the above named individuals was contacted in preparation of CRI's August 26, 2002 response;
 - e. A copy of the statement of interview for each individual so contacted; and,
 - d. If you are unable to identify such individuals, provide the specific reason(s) you are unable to identify such.

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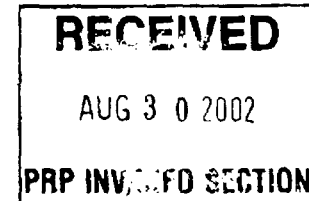
CRI RESOURCES, INC.

August 26, 2002

900 Wilshire Blvd., Suite 1520
Los Angeles, CA 90017-4716
Telephone: (213) 624-8161
(800) 421-6158
Fax: (213) 624-7703
CA Cont. License 021064

CERTIFIED MAIL-RRR

Ms. Carlyn Winter Prisk (3HS11)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



Re: Required Submission of Information
Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill,
and Folcroft Landfill Annex

Dear Ms. Winter-Prisk:

The point is first, that the trade style of Cleveland Wrecking Company was sold, not the corporation, nor its assets and liabilities. As CRI Resources, Inc. we are the successor to Cleveland Wrecking Company that operated in the Philadelphia area.

We answered you previously that the site of operations in Sharon Hill, Pennsylvania was totally destroyed by fire in November 1985 and unfortunately records are not at our disposal. Also we answered you previously the only things we hauled and dumped are debris of building material resulting from demolition of buildings.

We have not used nor can we verify that we even dumped any material in the area you describe. To Mr. Fenning's recall, Clearview was not among the places we ever used. We cannot verify that we never dumped there but in all fairness could not dispute we might have at one time used it. We have no existing records of this kind of activity in the years you mention. We never dumped illegally. We were not in the business of hauling hazardous material. We never dumped hazardous material illegally.

The operation in Philadelphia has been closed completely since 1997. All of our old employees that might have knowledge or memory of the operation would be very difficult to locate. The facts of the fire are easily proven and the closure of our Philadelphia activity as Cleveland Wrecking Company is also a provable fact.

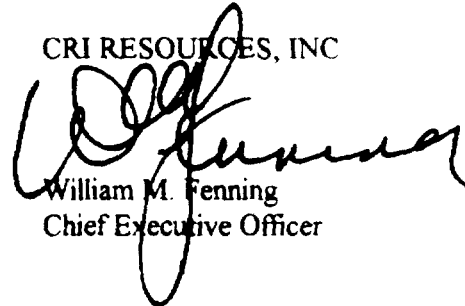
Ms. Carlyn Winter-Prisk
U. S. EPA, Region III
Page 2

August 26, 2002

The responses to Enclosure F are given as best as is possible given the passage of time and events since 1958. I will be happy to help you in any way I can. Please feel free to call (800) 421-6158.

Very truly yours,

CRI RESOURCES, INC

A handwritten signature in black ink, appearing to read 'William M. Fenning', is written over the printed name and title.

William M. Fenning
Chief Executive Officer

WMF:na

Attachment: Enclosure F-Questions/Responses

RESPONSES BY CRI RESOURCES, INC.

Enclosure F - Questions

Page 4

d. Not applicable.

15 No.

16 None.

17.

a. These questions are answered by Mr. William M. Fenning, who has been the Chief Operating Officer of the corporation for 40 years. His business address and telephone number are as follows:

CRI Resources, Inc. 800) 421-6158 or (213) 624-8161 ext 22
900 Wilshire Blvd., Suite 1520
Los Angeles, California 90017-4716

b. Future correspondence or telephone calls should be directed to Mr. Fenning as listed above.

19 Documents solicited in this information request are no longer available, for the following:

a. Our document retention policy schedules destruction of documents after periods of time varying from two to ten years. Some records are retained permanently

b. In early years documents were destroyed by incineration. For some time the process has been by shredding. In compliance with federal and state requirements the time period for retention of certain types of records has been expanded.

In November 1985, the files at our Sharon Hill facility were for the greatest part burned or were damaged beyond reclamation by smoke and water when an early morning fire swept through the buildings and yard.

c. Job files, contracts, agreements, licenses, permits, receivable invoices, payable invoices, local and state tax filings, dump tickets, correspondence, logbooks,

d. George Gillespie, Office Manager, deceased 1979

CRI RESOURCES, INC.

By


William M. Fenning, CEO

USEPA Phila 2

Required Submission of Information

Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill, and Folcroft Landfill Annex

Responses to Enclosure F – Questions

1. CRI Resources, Inc.
900 Wilshire Blvd., Suite 1520
Los Angeles, California 90017-4716
(213) 624-8161

a.	State	Date Admitted	State	Date Admitted
	Alabama *	11/01/72	Missouri *	04/24/53
	Arkansas *	07/16/80	Montana	07/18/82
	Arizona	08/17/59	Nebraska *	01/26/82
	California *	01/17/33	Nevada	04/30/61
	Colorado		New Jersey *	12/12/38
	Connecticut		New Mexico *	06/11/57
	Delaware *	09/04/28	New York *	08/26/40
	Florida *	02/11/65	North Carolina *	08/10/59
	Georgia *	05/18/62	Ohio *	11/09/28
	Hawaii *	03/14/70	Oklahoma *	04/15/64
	Illinois *	10/19/34	Oregon *	07/12/54
	Indiana *	12/10/34	Pennsylvania *	08/27/35
	Iowa *	08/02/01	Rhode Island	04/12/95
	Kansas *	09/28/78	South Carolina *	01/14/69
	Kentucky *	06/28/40	Tennessee *	07/19/49
	Louisiana *	01/13/64	Texas *	01/28/71
	Maryland *	07/29/40	Utah	01/04/55
	Massachusetts *	05/28/71	Virginia	1955
	Michigan	08/17/61	Washington	08/23/65
	Minnesota *	08/10/34	West Virginia *	11/13/54
	Mississippi *	10/28/81	Wisconsin *	10/31/75

* company is currently chartered

- b. The domicile state is Delaware. Date of incorporation is September 4, 1928.

RESPONSES BY CRI RESOURCES, INC.

Enclosure F - Questions

Page 2

c. CRI Resources, Inc. is the parent company of S R Wrecking, Inc., fka Sovereign Construction, Inc., a California corporation.

2 CRI Resources, Inc. currently does not conduct any business activity in the Philadelphia, Pennsylvania area. Between 1958 and 1976, CRI Resources, Inc. known then as Cleveland Wrecking Company maintained a branch office at 702 Chester Pike, Sharon Hill, Pennsylvania 19079 and was active in the demolition of structures of all kinds and the sale of salvage. The facility at Sharon Hill commenced shutting down in 1996 and was permanently closed in 1997.

3. The only person currently employed who may have personal knowledge of our operations and waste disposal practices between 1958 and 1976 at the facility in the Philadelphia, Pennsylvania area is

William M. Fenning, Chairman and CEO (213) 624-8161
CRI Resources, Inc.
900 Wilshire Blvd., Ste 1520
Los Angeles, CA 90017-4716

Employed with this company since 1957, and as President and Chief Operating Officer since 1967, had no direct involvement with the day-to-day operations at the Sharon Hill Office.

4. To the best of my knowledge and belief, CRI Resources, Inc. did not generate, store, treat, transport or dispose of any hazardous substances, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976. only ordinary debris such as wood, brick, concrete, etc., resulting from demolition activities.

a. I have no reason to believe that we may have dumped any hazardous or toxic material in the landfill areas you reference, and therefore cannot describe the types of documents maintained by our establishment in the Philadelphia, Pennsylvania area for any such activity. It would have been in line with our standard operating procedure at the time in question for a project manager to include documentation in the official job file. Due to the time span from the alleged occurrences to the date of this inquiry it is not possible to identify persons employed as project managers.

b. With the establishment of regulatory agencies regarding the transportation and disposal of such wastes you mention, it would have become a standard operating practice of our company to obtain any and all necessary permits and required certifications had the need occurred. Any records or correspondence of such would have been routinely destroyed in accordance with the retention policy, or destroyed by the fire on the premises in November 1985.

RESPONSES BY CRI RESOURCES, INC.

Enclosure F – Questions

Page 3

c. There are no contracts or correspondence between our company and/or establishment(s) and any other company or entity regarding the transportation and disposal of any hazardous substances.

5. Any dump trucks owned by our company were not for hire by others.

6. Not applicable.

7. Not applicable.

8. Not applicable.

9. Documentation of dump loads of demolition debris from our job sites are no longer available. According to our retention policy, load books were kept for two years.

10. Dump trucks.

11. We had no control of the material after it was taken to a dumpsite. It would have been handled in accordance with the regulations at the time.

12. We are not able to identify or specify any individuals or entities that may have been observed at the site in question. We cannot say if we did or did not ever use the site.

13. We are unable to provide the names, titles, areas of responsibility, addresses, and telephone numbers of former employees between 1958 and 1976. We currently have no employees in the Philadelphia, Pennsylvania area.

a. Not available.

b. Not available.

c. Not available.

d. Not available.

14. To the best of my knowledge and belief no spills occurred.

a. Not applicable.

b. Not applicable.

c. Not applicable.

GRI RESOURCES, INC.
900 WILSHIRE BLVD., #1520
LOS ANGELES CA 90017-4716



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19103

RETURN RECEIPT R

2002 08 07

MS CARLYN W. PRISK (3HS11)
U S ENVIRONMENTAL PROTECTION AGENCY REGION III
1650 ARCH ST
PHILADELPHIA PA 19103-2029

CERTIFIED MAIL



7001 2510 0003 2026 8535

**RETURN RECEIPT
REQUESTED**



-459445

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 09 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

**CRI Resources, Inc.
f/k/a Cleveland Wrecking Company
900 Wilshire Boulevard
Suite 1520
Los Angeles, CA 90017-4716**

Attention: William M. Fenning, CEO

**Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,
and Folcroft Landfill Annex**

Dear Mr. Fenning:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Cleveland Wrecking Company may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require CRI Resources, Inc. (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the

Customer Service Hotline: 1-800-438-2474

possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

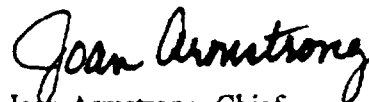
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,

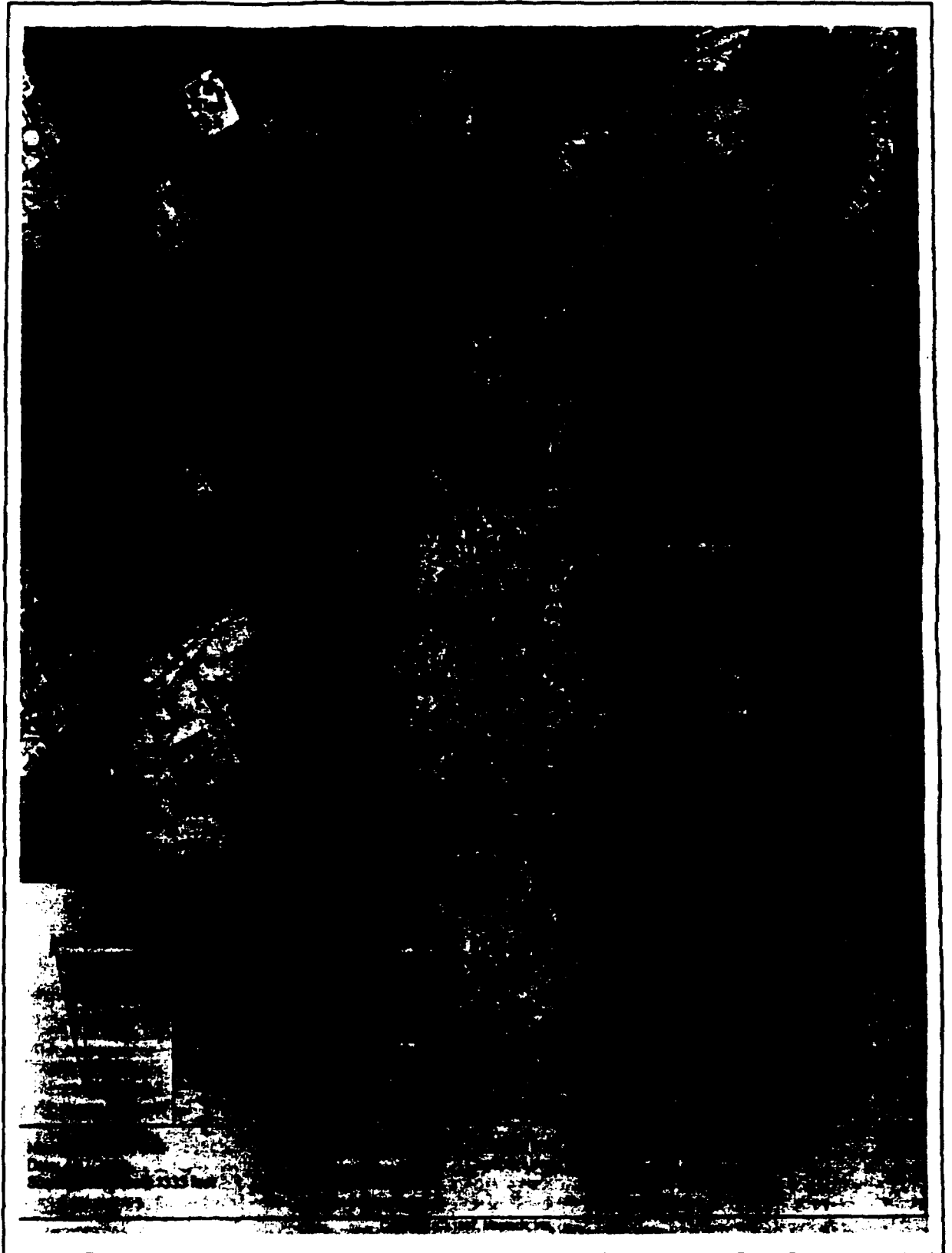


Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions
 Enclosure G: SBREFA

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A



Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- IT Corporation -
Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. -
Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Guardian Environmental Services, Inc. -
Contract #68-S3-99-04
- ECG Industries, Inc. -
Contract# 68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
- Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
- Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Home Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. -
Contract #68-W-00-108

List of Cooperative Agreements

- National Association of Hispanic
Elderly - #CQ-822511
- AARP Foundation (Senior
Environmental Employment) -
#824021
#823952

Enclosure D

Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. The dates and states of incorporation of your company;
 - b. The date and original state of incorporation of your company; and
 - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
 - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

Customer Service Hotline: 1-800-438-2474

5. Identify all persons and entities from whom you accepted materials which were taken directly or indirectly to the Site.
6. For each person or entity described in response to Question #5, identify the person who selected the Site as the location to which you took the materials.
7. Describe the type and quantities of substances transported by your company to the Site for each customer. Also provide the following information:
 - a. Generic and brand name(s) of each substance;
 - b. Chemical characteristics of each substance;
 - c. Physical state of each substance;
 - d. Volume of each substance;
 - e. Description of any warnings given to you with respect to a substance's handling;
 - f. Dates in which each customer's substances were taken to the Site.
 - g. The types and sizes, and numbers of containers in which these substances were transported and stored.
 - h. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
8. Identify all locations through which the materials were transhipped, or were stored or held, prior to their final treatment or disposal.
9. Provide copies of all documents (including but not limited to log books, dump slips, manifests, receipts, and invoices created or kept by you related to the collection of materials (including, but not limited to, composition and quantity of materials) from customers whose materials were taken to the Site.
10. Indicate which types of vehicles were used by you to transport materials to the Site.
11. Describe what was done to each type of material after it was taken to the Site. Also, describe where each type of material brought to the Site was disposed or otherwise placed.
12. Identify other individuals and entities that you have reason to believe may have taken or sent materials to the Site. Specify which individuals or entities you observed at the Site, and indicate when those observations were made and provide all information known regarding the customers of the entities or individuals identified in response to this question.
13. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all current and former employees who, between 1958 and 1976, may have:
 - a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;

- b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment; and/or who were
 - d. Responsible for payments, payment approvals, and record keeping concerning such waste removal transactions.
14. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
15. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
16. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
17. Representative of your establishment(s):
- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
- 19. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.



Office of Enforcement and Compliance Assurance **INFORMATION SHEET**

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Programs
<http://www.epa.gov/ttn/sbap>

Compliance Assistance Home Page
<http://www.epa.gov/oeca/oc>

Office of Site Remediation Enforcement
<http://www.epa.gov/oeca/osre>

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

Hazardous Waste/Underground Tanks/
Superfund
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants
Information
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back



U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing

(1-800-AT-NMFRC or www.nmfrc.org)

Printing

(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair

(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture

(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing

(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry

(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry

(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center

(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

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f/k/a Cleveland Wrecking Co.
900 Wilshire Blvd.
Suite 1520
Los Angeles, CA 90017



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Lower Darby Creek Area Superfund Site Interview Summary Confidential Source #11



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

INTERVIEW SUMMARY
Work Assignment ES002
Lower Darby Creek Area Site

[REDACTED]

Prepared for:

U.S. Environmental Protection Agency
Region III
Enforcement Support Services
Hazardous Site Cleanup Division
1650 Arch Street
Philadelphia, PA 19103

Prepared by:

DASTON Corporation
210 West Washington Square
Suite 210
Philadelphia, PA 19106

Work Assignment Number:	ES002
Date Submitted:	March 27, 2002
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Carlyn Prisk
Telephone Number:	(215) 814-2625
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-4404
Interviewer:	Michael McCloskey, Tri-State Enterprise

ENFORCEMENT CONFIDENTIAL

Name: [REDACTED] WITNESS)
c/o Joseph F. O'Dea, Jr., Saul Ewing, LLP
1500 Market Street, 38th Floor
Philadelphia, PA 19102

Affiliation: Former Employee/Tri-County Hauling

Telephone: (215) 972-7109

Type of Interview: In-Person

Date of Interview: March 25, 2002

On March 25, 2002, the WITNESS was interviewed at [REDACTED] by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is represented by Cathleen Devlin, Esq., in this matter. This interview was not tape-recorded. The following individuals were also present during this interview.

- Brian Nishitani: Attorney for the United States Environmental Protection Agency, Region III (USEPA).
- Cathleen Devlin: Attorney representing Waste Management Corporation and [REDACTED]

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Site and this map was used throughout the interview.

The WITNESS was asked to explain his association with the Site.

The WITNESS stated that he worked for the Tri-County Hauling at the Folcroft Landfill from [REDACTED]. He indicated that he was primarily a truck driver during the time he worked for Tri-County Hauling. He indicated that he also worked on the Landfill as a fill-in when needed. He indicated that he worked on the Landfill about one day a month and drove the front-end loader on the Landfill. The WITNESS explained that he used the front-end loader as a bulldozer to move the trash on the Landfill.

The WITNESS explained that Bernie McNickle was the "Boss" at the Landfill and Ed Mullen was the manager of the Landfill and Tri-County Hauling. The WITNESS stated that Ed Mullen would tell him when to work on the Landfill.

When asked the names of other individuals that worked on the Landfill, the WITNESS provided the following.

- Bobby Williams
- Henry Sanders: Deceased
- Joe Beigler
- Slim: Actual name unknown
- Bernie McHugh: Was the boss at the Landfill after Ed Mullen died.

The WITNESS was asked to describe the Folcroft Landfill and to explain how the Landfill was filled.

The WITNESS stated that Tri-County Hauling had a garage and office building at the entrance to the Landfill. He indicated that there was a shack located across the road from the office that was used by Tri-County to log trucks into the Landfill. The WITNESS stated that there was only one way into the Landfill and that was off of Calcon hook road. He indicated by looking at the map that the entrance to the Landfill was just past the Delaware County incinerator. The WITNESS indicated that the fill area started about 100 feet south of the Tri-County garage and was moved in a south direction as the fill area grew. The WITNESS stated that the Folcroft Annex was used for a period of time and then the fill area was moved back to the main Landfill. The WITNESS did not know why the Annex was used or for the length of time the Annex was used.

When asked if there were any special areas on the Landfill to dispose of drums or liquid waste, the WITNESS stated not to his knowledge.

When asked to describe the types of equipment that was used on the Landfill, the WITNESS provided the following.

- Crane: Used to dig holes.
- Front-end loader: Used to move trash and cover trash.
- Bulldozer: Used to move trash and cover trash.

The WITNESS stated that he usually drove a truck during the time period he worked for Tri-County Hauling. He further stated that he drove a roll off truck most of the time. He indicated that he occasionally drove a lugger truck.

When asked to describe any receipts or logs that were used during the course of picking up waste for Tri-County Hauling, the WITNESS stated that at each location he picked up a container there was a receipt signed. He further explained that when he picked up a container he had a ticket with a carbon copy that would name the location of the pick up and the size of the container. The WITNESS stated that he would have someone at the site of the container

sign this ticket. The WITNESS stated that he would keep the original and give the person signing the ticket the carbon copy. The WITNESS stated that he would turn in the tickets he kept to the Tri-County office at the end of his shift.

The WITNESS was asked to identify the locations that he picked up waste from and disposed of the waste at the Folcroft Landfill. The WITNESS was also asked to provide the type of trash container used at each location and to describe the types of waste that was picked up at each location. The WITNESS provided the following.

- Philadelphia Navy Yard (PNY): The WITNESS stated that Tri-County Hauling had a contract with the PNY at different times while the Folcroft Landfill was in use. He indicated that from time to time Tri-County would lose the contract and then regain the contract at the next bid period. He indicated that the contract duration may have been for a one-year period. The WITNESS stated that the PNY had a Landfill on the PNY property located in the area of the back gate of the PNY. When asked the WITNESS stated that this PNY Landfill could have been about the size of a football field. The WITNESS stated that the PNY had trash trucks that picked up waste throughout the PNY and disposed of this waste at this PNY Landfill. The WITNESS stated that Tri-County Hauling kept one and sometimes two 40 cubic yard containers at this location and that he picked up full containers at this location on a daily basis and stated sometimes he would make 8-10 trips each day. The WITNESS stated that the PNY placed the waste from this Landfill into the containers and that these containers were transported to the Folcroft Landfill by Tri-County trucks and the waste was disposed of at the Folcroft Landfill. When asked to describe the waste, the WITNESS stated that he recalls sandblasting residue from ships, which would include paint chips and rust chips. The WITNESS stated that he also recalls pipes and wrapping from pipes, which included loose asbestos. He was unable to describe any other waste.
- University of Pennsylvania (UP): The WITNESS stated that he picked up waste in a 40 cubic yard container that was located in the kitchen area at the UP. He stated this pick up was on an "on call" basis and that he may have made one trip each week. He described the waste as kitchen waste.
- Marriott Hotel: The WITNESS stated that this Marriott is located on City Avenue in Philadelphia. He indicated that he picked up a 40 cubic yard compactor container from this location about 1-2 times each week. He described the waste as kitchen waste.
- Presbyterian Hospital: The WITNESS stated that he picked up a 30 cubic yard container from this location about one time each week. He described the waste as household trash and provided no further description.
- US Mint: The WITNESS stated that the US Mint is located in the area of 4th and Cherry Street. He indicated that he picked up a 40 cubic yard container one time each week. He was unable to provide a description of the waste other than to say it was trash.

- McCloskey Construction Company: The WITNESS stated Tri-County Hauling provided roll off containers at many of the McCloskey construction sites. The WITNESS stated that this waste would be disposed of at the Folcroft Landfill. The WITNESS provided the following McCloskey construction sites that he recalls picking up 40-yard containers from. 1. I95 construction through Philadelphia. 2. The Spectrum 3. Veteran's Stadium The WITNESS stated the waste consisted of construction debris such as concrete, wood and pipes. He was unable to describe the waste further.
- General Electric (GE): The WITNESS stated that GE is located at 74th and Elmwood Street. He indicated that he picked up a 40 cubic yard compactor container at this location on an on call basis about 1-2 time each week. He indicated that some of the waste included metal and cooper wire.
- MAB Bruder Paints (MAB): The WITNESS stated that MAB was located at 51st Street and Grays Ferry in Philadelphia. He indicated that he picked up a 40 cubic yard compactor container about 1 time each week. The WITNESS stated that MAB also had a tank mounted on wooden skids that was used to hold liquid waste. He indicated that this tank was about the size of a 40 cubic yard container and that he picked up this tank about 3-4 times a month on an on call basis. The WITNESS stated that he picked up the tank in a roll off truck and transported the tank to the Landfill. The tank had a valve in the back and he would open the valve and the liquid would drain out. He described the liquid as having a paint odor. He indicated that after the tank was empty he returned the tank to MAB. When asked the names of any MAB employees that he dealt with, the WITNESS stated that he recalls a Jack, unknown last name, that was present when he picked up the tank.
- Wyath Labs: The WITNESS stated that he picked up a 40-cubic yard open top container on an on call basis. He could not recall the type of waste other than to say the waste was bulk trash.
- Philadelphia Electric Company: The WITNESS stated that he picked up roll off containers and lugger containers at numerous Philadelphia Electric Company locations. The WITNESS provided the following locations. 1. Port Richmond. 2. 23rd and Market Street. 3. Calowhill Street. 4. Philadelphia Electric at Eddystone. The WITNESS stated that he picked up lugger containers at Eddystone and that these containers had water and dead fish as part of the waste. The WITNESS stated that Philadelphia Electric Company also had their own trucks that transported waste to the Folcorft Landfill.
- Nabisco Company: The WITNESS stated that Nabisco is located on Roosevelt boulevard and he picked up a 40 cubic yard open top container at this location on an on call basis. He did not describe the type of waste other than to say it was trash.
- Budd Company: The WITNESS stated that this Company was located in the Hunting Park area. He described the waste as trash.

- Jordan Chemical Company: The WITNESS stated that he picked up a 40 cubic yard container from this location on an on call basis. He stated that the waste had a chemical odor. He could not describe this odor any further.
- Oil Tank Lines: The WITNESS stated that he had observed this company dispose of liquid waste from tanker trucks on the Folcroft Landfill. He did not know what this liquid waste was.
- TV Guide: The WITNESS stated that he picked up a 40 cubic yard roll off container from this location and he described the waste as old paper.
- US Post Office at 30th Street: The WITNESS stated that he picked up a 30-yard compactor container from this location on a daily basis.
- Connelly Container: The WITNESS stated that he picked up an open container at this location. He could not recall the size of the container or the type of waste.
- Maaco: The WITNESS stated that this is the Maaco located in the north east section of Philadelphia. He indicated that he picked up waste from a dumpster at this location. He did not say how often this waste was picked up.
- Rohm & Haas: The WITNESS stated that this company is located in the Port Richmond area of Philadelphia. He stated that he picked up roll off containers for construction companies when this Plant was going through renovations. He could not recall the name of the Construction Company. He indicated that the waste was construction debris such as concrete and wood. The WITNESS stated that this waste also contained excavation waste.
- Boeing Company: The Witness stated that he picked up construction debris/trash from construction contractor companies at this location.

The WITNESS stated that he also picked up roll off containers in New Jersey and Delaware and that he transported this waste to the Folcroft Landfill. He could not recall the specific locations but indicated that the waste came from mostly construction sites.

When asked the names of other waste transporters that he had observed disposing of waste at the Folcroft Landfill the WITNESS provided the following.

- Crumley Waste: The WITNESS stated that Crumley had rear end loader trucks.
- Eastern Industrial: The WITNESS stated Eastern had roll off and rear end loader trucks.
- Hawthorne Demolition Company: The WITNESS stated this Company had tractor-trailers.
- Cleveland Wrecking: The WITNESS stated this company had dump trucks
- Harman Trash: The WITNESS stated this company had roll off trucks.
- Harway Trash: The WITNESS stated this company had roll off and rear end loader trucks.
- Gene Banta: The WITNESS stated this company had roll off trucks.

- Philadelphia Electric: The WITNESS stated this company had dump trucks.
- Barrett Roofing: The WITNESS stated this company used a dump truck.
- General electric: the WITNESS stated that this Company used a dump truck.
- Barcalow Company: The WITNESS stated this Company used dump trucks.
- Oil Tank Lines: The WITNESS stated this Company used tanker trucks.
- Arco/Gulf Refining: The WITNESS stated this Company used dump trucks.
- Bernie McHugh: The WITNESS stated McHugh dump trucks.

When asked the names of other individuals that might have relevant knowledge of waste disposal practices at the Folcroft Landfill, the WITNESS provided the following.

- Thomas Dugan: Tri-County dispatcher
- Tom Carroll: Tri-County dispatcher.
- Jack(last name unknown): Worked at MAB and might have specific knowledge of the waste in the holding tank at that location.
- Joe Beigler: Worked on the Landfill and may still be alive.
- Bernie McHugh: worked on the Landfill
- Bobby Williams: worked on the Landfill.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____
(Date)

Signed _____
[REDACTED]